THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.27148 OF 2007

DATED: 20.12.2007

Between:

P. Venkataiah

.. Petitioner

And

The Tirumala Tirupathi Devasthanam, rep. by its Executive Officer, Tirupathi, Chittoor District and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.27148 OF 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents 1 and 2 in placing the 3rd respondent above the petitioner in the seniority list pertaining to the cadre of Superintendent and effecting promotions to the post of Assistant Executive officer, without finalizing the seniority list of Superintendents, as arbitrary and illegal; and consequently to direct the respondents to place the petitioner above the 3rd respondent in the seniority list of Superintendents and promote him to the post of Assistant Executive Officer.

2. It appears, petitioner and 3rd respondent, who belong to S.C. community, were promoted as Superintendents with effect from 22.01.2004 and 16.07.2003 respectively, as per the provisions of Article 16 (4A) of the Constitution of India. While so, it is the grievance of the petitioner that he was senior to the 3rd respondent in the cadre of Senior Assistant, the feeder category, and, hence, he was supposed to occupy the earliest roster point available against S.C. category, while effecting promotions to the post of Superintendent. Instead of that, the case of the 3rd respondent was considered against earlier roster point

in the S.C. category, whereas his case was considered against the next available roster point. Thereby, he is being treated as junior to the 3rd respondent, which results in loss of promotional avenues for him for the next higher post of Assistant Executive Officer. Under those circumstances, he made detailed representations to the official respondents, on 11.09.2007 and 15.12.2007, ventilating his grievances and requesting to finalise the seniority list in the cadre of Superintendent, but the official respondents, without taking any action on his representations, are going to effect promotions to the post of Assistant Executive Officer.

3. In the facts and circumstances, without expressing any opinion on merits, the official respondents are directed to consider the representations purported to have been made by the petitioner on 11.09.2007 and 15.12.2007 and pass appropriate orders, as per law, within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner. Till such time, no further promotions shall be effected insofar as the petitioner and the 3rd respondent are concerned.

4. With the above directions, the writ petition is disposed of. No order as to costs.

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JUSTICE C.V. RAMULU

20th December, 2007.
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